

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PATRICK ROBINSON,

Plaintiff,

vs.

BRIDGEPORT EDUCATION  
ASSOCIATION and NEBRASKA  
STATE EDUCATION  
ASSOCIATION,

Defendants.

8:16-CV-402

ORDER

This matter is before the Court on its own motion, with respect to the plaintiff's "Memorandum in Response to Defendant's Answer" ([filing 27](#)). The filing will be stricken.

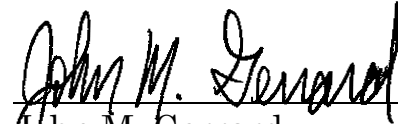
[Fed. R. Civ. P. 7\(a\)](#) provides that the only pleadings allowed in federal court are: "(1) a complaint; (2) an answer to a complaint; (3) an answer to a counterclaim designated as a counterclaim; (4) an answer to a crossclaim; (5) a third-party complaint; (6) an answer to a third-party complaint; and (7) if the court orders one, a reply to an answer." The plaintiff's "memorandum" is not a permitted pleading. Neither Bridgeport Education Association's answer ([filing 17](#)) nor the Nebraska State Education Association's answer ([filing 18](#)) contain a counterclaim. So, "a reply was not only not required but was not even permissible, except by leave or order of the trial court granted in its sound discretion." *Traylor v. Black, Sivalls & Bryson*, 189 F.2d 213, 216 (8th

[Cir. 1951](#)). The Court has not ordered a reply to the defendants' answers, nor is there any reason to do so.<sup>1</sup> Accordingly,

IT IS ORDERED that the plaintiff's "Memorandum in Response to Defendant's Answer" ([filing 27](#)) is stricken.

Dated this 6th day of June, 2017.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge

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<sup>1</sup> A substantial reason must be given or necessity must be demonstrated by the movant to justify the Court ordering a reply to an answer. [5 Charles Alan Wright and Arthur R. Miller, \*Federal Practice and Procedure\* § 1185 \(3d ed. 2004\).](#)